

From: Jacob Rose
To: Microsoft ATR
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Subject: Microsoft Settlement

Greetings and thank you for reading my comments.

As a citizen who has been burned again and again by Microsoft's anti-competitive practices, I feel the Proposed Final Judgement is inadequate in addressing Microsoft's egregious behavior.

Both in my former capacity as a local government computer systems manager and as an individual citizen, I have been forced to spend taxpayer money and my own money to buy Windows licenses when Windows was not even a product my department or I required or wanted. I have seen applications which used to function on competing operating systems, such as Microsoft Office on OS/2, drop support. I have seen important applications software such as Internet Explorer weaseled into dominance by Microsoft using their desktop OS monopoly, and then be deliberately withheld from a competing OS like Linux, even though it is made available for non-threatening Solaris, which is so very compatible with Linux that many Linux applications run unmodified on it. I have seen all competition systematically wiped out of local government by steadily expanding license agreements, as Microsoft positioned its products to be completely interdependant and completely incompatible with its competitors. These competitors range from former heavyweights like Novell, WordPerfect, Borland, and briefly, Netscape, to longtime educational giants like Apple Computer, which pioneered personal computing. All have been swept aside not by better products, but by Microsoft's clever - but illegal - business practices.

I believe that Microsoft will find ways to weasel out of the Proposed Final Judgement which has been drafted, in part due to its specificity. It must be generalized to describe Microsoft's practice of proprietization which Microsoft calls "Embrace and Extend."

Public standards are the root of the Internet itself; it would not have been possible for the Internet to exist, sharing data amongst thousands of different types of computers, from digital telephones to mainframes and supercomputers, without the system of public "RFC" standards. Microsoft's "Embrace and Extend" policy is simply to make their software compatible with these RFCs, and other standards developed publically (often at public expense), and then introduce specific incompatibilities to make non-Microsoft software fail, often at the same time that new features are added to the Microsoft software that require the tainted upgrade.

To meet this challenge, you must force the *interface* - any interface - which Microsoft defines or employs, now or in future, to be public domain, published and available for use without limitation. This must include all file formats, APIs, communication protocols, and interpreter specifications.

These interfaces are the very essence of compatibility:

For competition to exist in the applications area, competitors must be able to read Microsoft files to be able to offer products that can be used concurrently with Microsoft products, and they must be able to take advantage of the same Windows services (API) that Microsoft itself uses in its products.

For competition to exist in the operating systems area, competitors must be able to replicate the functionality of the Windows API reliably so that products written for Windows may operate elsewhere.

Finally, for competition to continue in the Internet realm, the protocols and interpreters that are used by Microsoft products must be available to those who would create applications and services that talk to these Microsoft applications.

Since Microsoft has already decimated the innovative space that was the web browser market, the Web itself is already changing to conform to just one browser; Microsoft's. Many sites no longer function in other browsers, which face the Sisyphean task of duplicating Microsoft's ever-changing Javascript interpreter without its (ever-changing) specifications. Where do you think the Internet will be in a decade, if Microsoft's interfaces remain undisclosed, or even partially proprietary? I can tell you: all the hot new services of the future will operate using proprietary Microsoft protocols, and anyone who wants to compete in the online services market will have to accept Microsoft's license terms and write systems that only run where Microsoft wants them to run, because the potential customers will all be locked into a system of Microsoft products.

Microsoft has made its interfaces de-facto standards, and you must now make sure that they face that fact by converting them into complete and public standards.

Thank you,
Jacob Rose

A voting citizen from Fairfax, Virginia, 22033, U.S.A.